

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THOMAS KIRACOFE,

Civil No. 14-0992 (PAM/JJG)

Plaintiff,

v.

STACY LAKOTAS, Officer GARLINGTON,
and Officer JOHN DOE,

**REPORT AND
RECOMMENDATION**

Defendants.

Plaintiff commenced this action by filing a pro se complaint, and an application for leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1 and 2.) The Court previously examined Plaintiff's submissions, and determined that his complaint failed to state an actionable claim for relief. Therefore, in an order dated April 14, 2014, (Docket No. 3), the Court informed Plaintiff that his IFP Application would not be granted "at this time." That order gave Plaintiff an opportunity to file an amended complaint, and it expressly advised him that if he did not file a new pleading by May 15, 2014, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for filing an amended complaint has now expired, but Plaintiff has not complied with the Court's prior order, nor has he offered any excuse for his failure to do so. Indeed, Plaintiff has not communicated with the Court at all since he commenced this action. Therefore, the Court will now recommend, in accordance with the prior order, that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8th Cir. 2008)

(unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Having determined that this action should be summarily dismissed, the Court will now recommend that Plaintiff's pending IFP application be denied as moot.

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED AS MOOT**; and
2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: May 21, 2014

s/ Jeanne J. Graham
JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to District of Minnesota Local Rule 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **June 9, 2014**. A party may respond to the objections within fourteen days after service thereof. Any objections or responses shall not exceed 3,500 words. The District Judge will make a de novo determination of those portions of the Report and Recommendation to which objection is made.